

**DISCLAIMER**

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**COMMONWEALTH OF VIRGINIA, ex rel.**

**NORTHERN VIRGINIA ELECTRIC COOPERATIVE,**  
**Petitioner,**

**v.**

**CASE NO. PUE010512**

**VIRGINIA ELECTRIC AND POWER COMPANY  
d/b/a DOMINION VIRGINIA POWER,  
SMITHSONIAN INSTITUTION, AND U. S.  
GENERAL SERVICES ADMINISTRATION,**

**Respondents.**

**For a Petition for Declaratory Judgment  
and Motion for Injunction**

**HEARING EXAMINER'S RULING**

**October 22, 2001**

On October 18, 2001, Old Dominion Electric Cooperative ("Old Dominion") and the Va., Md. & Del. Association of Electric Cooperatives ("the Association") filed a Motion for Leave to Participate as Interested Parties, Statement of Interest and Motion for Expedited Consideration. Therein they assert they are critically interested parties and their participation is necessary to the adjudication of the matters in controversy in this case. Old Dominion asserts that it serves as the exclusive wholesale electric power supplier for Northern Virginia Electric Cooperative ("NOVEC"), and thus its wholesale sales will be affected by this proceeding. Old Dominion also provides, by contract, for NOVEC's wholesale power transmission requirements including new delivery points. Old Dominion and the Association also assert that they have a significant interest in this case to defend the integrity of Virginia's electric utility territories.

On October 19, 2001, NOVEC advised, in writing, that it did not oppose the motion. Virginia Electric and Power Company d/b/a Dominion Virginia Power ("Dominion Virginia Power") also responded on October 19. Dominion Virginia Power advised that it did not oppose the motion for leave to participate but objected to the request for expedited consideration "to the extent that it assumes a right ... to independently argue" the motion for temporary injunction. The Smithsonian Institution, the affected customer, took no position on the motion.

The Commission has recognized the standing of Old Dominion to participate in a territorial dispute involving one of its member cooperatives.<sup>1</sup> In the *Prince George* case the hearing examiner concluded that Old Dominion had standing to participate as a party in interest because it had an immediate, pecuniary and substantial interest. Here, as in the *Prince George* case, Old Dominion is the retail cooperative's wholesale power supplier. Old Dominion also provides for NOVEC's transmission requirements and arrangements that would include a new delivery point if NOVEC provided service to the Smithsonian's Steven F. Udvar-Hazy Center in Fairfax County, Virginia. I find that Old Dominion has an immediate, pecuniary and substantial interest in this litigation.

The Association does not aver a similar direct interest; however, no party opposes granting it leave to participate. Accordingly, I find that the Association should also be allowed to participate in this proceeding.

**IT IS DIRECTED** that the Movants be, and hereby are, granted leave to participate fully in this proceeding.

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Deborah V. Ellenberg  
Chief Hearing Examiner

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<sup>1</sup> *Petition of Prince George Electric Cooperative for Declaratory Judgment and Petition of RGC (USA) Mineral Sands, Inc. and RGC (USA) Minerals, Inc. for Declaratory Judgment* ("Prince George case"), Hearing Examiner's Ruling, Case No. PUE960295 (February 26, 1997).